UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,407	09/29/2005	Gurunathan Lakshman	85009-202	5539

7590 10/05/2007

Ade & company
1700-360 Main Street
Winnipeg Manitoba, R3C 3Z3
CANADA

EXAMINER	
HRUSKOCI, PETER A	
ART UNIT	PAPER NUMBER
1797	
MAIL DATE	DELIVERY MODE
10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,407	LAKSHMAN, GURUNATHAN	
	Examiner	Art Unit	
	Peter A. Hruskoci	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 May 2007 and 01 July 0813*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The amendment filed 8/13/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: On pages 7 and 8 "C-496PG Flocculant (cationic polyacrylamide). Applicant is required to cancel the new matter in the reply to this Office Action.

In regard to applicant's arguments concerning the support for the above amendment, and the CYTEC data sheet, it is submitted that "SUPERFLOC" appears to include flocculants other than C-496PG. Thus, the specification as originally filed lacks clear antecedent basis for this specific flocculant.

The amendments to claims 1, 8 and 9 fail to comply with 37 CFR 1.121, because original claims 1, 8, and 9 recited the term "coagulating polymer", and amended claims 1, 8 and 9 fail to include a proper deletion of this term.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the polymer addition and second reaction tank. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 8 and 9 the trademark/trade name "SUPERFLOC™ 496PG Flocculant" is vague and indefinite because it is unclear how this term further limits the claims. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Slyke et al. 6,916,426 in view of Sower 6,409,788. Van Slyke et al. disclose (see 4 line 31 through col. 6 line 45) a method for treating animal waste or manure substantially as claimed. The claims differ from Van Slyke et al. by reciting steps for mixing the manure with lime to produce a basic pH, and adding a second coagulating polymer and/or struvite-promoting compound to a separated liquid portion. Sower disclose (see col. 14 line 34 through col. 15 line 27, col. 22 lines 30-56, and col. 30 line 1 through col. 32 line 63) that it is known in the art to mix manure with lime to produce a pH of about 12, and to utilize flocculants or coagulating

polymers, and magnesium salts, to aid in eliminating pathogens, separating suspended solids, and precipitating struvite, respectively. It would have been obvious to one skilled in the art to modify the method of Van Slyke et al. by utilizing the recited lime, polymer, and struvite-promoting compound in view of the teachings of Sower, to aid in eliminating pathogens, separating suspended solids, and precipitating struvite in the manure, respectively. The specific pH, addition and separation steps, polymer, mixing time, and pressure utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific manure treated and results desired, absent a sufficient showing of unexpected results. With regard to claim 7-9 and 19, it is submitted that Sower as applied above, discloses the removal of evolved ammonia using an aqueous solution, and the use of aluminum sulfate, respectively.

Applicant argues that the sequence of chemicals added in Van Slyke and Sower are different compared to the instant invention, and this would make the type of products at each stage quite different from the instant invention. It is noted that the instant claims fails to recite the formation of specific products. It is further noted that the addition of zeolite, sulfuric acid, and other chemicals are not excluded from the instant claims. It is submitted that the addition of lime and polymer as disclosed in Van Slyke would form a floc, solids, and liquid portion as recited in claim 1. Furthermore, applicant has not submitted sufficient comparative evidence with Van Slyke and Sower to support the above argument.

Applicant argues that Van Slyke teaches the need to process the waste before ammonia is evolved as a gas, whereas applicant adds sufficient lime at an initial step so that ammonia is evolved. It is submitted that this addition of lime is not recited in the instant claims.

Furthermore, Sower as applied above discloses the addition of a lime slurry to an animal waste to evolve ammonia from the waste, as shown in Fig. 6.

Applicant alleges that the instant invention includes specific objectives without pretreatment, which are accomplished in a systematic and sequential manner including a first through fifth stage, to produce a synergistic effect for a very effective process. It is submitted that these objectives and stages do not appear to be recited in the instant claims. It is further noted that the use of pretreatment is not excluded from the instant claims. Furthermore, applicant has not presented sufficient comparative evidence with the prior art utilized in the above rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter A. Hruskoci
Primary Examiner
Art Unit 1724

9/30/07